

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

CM VANTAGE SPECIALTY)	
INSURANCE COMPANY,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:20cv614-MHT
)	(WO)
MAYFLOWER INVESTMENTS,)	
LLC, et al.,)	
)	
Defendants.)	

ORDER

The allegations of the plaintiff's amended complaint are insufficient to invoke this court's diversity-of-citizenship jurisdiction. To invoke jurisdiction based on diversity, a complaint must distinctly and affirmatively allege each party's citizenship. See, e.g., *McGovern v. American Airlines, Inc.*, 511 F. 2d 653, 654 (5th Cir. 1975) (per curiam).*

* In *Bonner v. Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc), the Eleventh Circuit Court of Appeals adopted as binding precedent all decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

The plaintiff's complaint fails to meet this standard. The plaintiff has sued many defendants in their capacities as the personal representative of an infant or minor or as the legal representative of the estate of a deceased person. "[T]he legal representative of the estate of a decedent shall be deemed to be a citizen only of the same State as the decedent, and the legal representative of an infant or incompetent shall be deemed to be a citizen only of the same State as the infant or incompetent." 28 U.S.C.A. § 1332(c)(2). Because the complaint sets forth only the citizenship of the personal representatives and not that of the infants or decedent, the complaint does not adequately establish grounds for this court to assume jurisdiction of this matter.

It is therefore the ORDER, JUDGMENT, and DECREE of the court that the plaintiff has until January 20, 2021, to amend the complaint to allege jurisdiction

sufficiently; otherwise this lawsuit shall be dismissed
without prejudice.

DONE, this the 30th day of December, 2020.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE